

has this day at 3:30 p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Harley.

S. B. No. 13.

# A BILL

To be entitled

An Act to provide for the appointment of officers of the National Guard of Texas and prescribing their qualification and tenure of office; providing for the term and requirements for enlistment and the qualifications of enlisted men of the National Guard of Texas, and to repeal Articles 5802 and 5804, Revised Civil Statutes, 1911, and all other laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. All officers of the National Guard of Texas shall be appointed and commissioned by the Governor, and shall hold their positions until they shall have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability or for cause to be determined by a court martial or an efficiency board legally convened for that purpose.

Sec. 2. State officers, including officers of the pay, inspection, subsistence and medical departments, hereafter appointed shall have had previous military experience and vacancies among said officers shall be filled by the appointment from the officers of the militia of the State of Texas. All other officers of the National Guard of Texas shall be selected from the following classes:

Officers and enlisted men of the National Guard, officers on the reserve or unassigned list of the National Guard; officers, active or retired, and former officers of the United States army, navy and marine corps; graduates of the United States military and naval academies, and graduates of schools, colleges and universities where military science is taught under the supervision of an officer of the regular army, and, for the technical branches and staff corps or departments, such other civilians as may be especially qualified for duty therein.

Sec. 3. All officers of the National

Guard of Texas shall be citizens of the United States, over twenty-one and under sixty-four years of age, and shall take and subscribe the oath of office, and shall have successfully passed the physical examination as prescribed by the laws of the United States.

Sec. 4. The term of, and requirements for enlistment and the qualifications of enlisted men in the National Guard shall be that which is now or may hereafter be prescribed by the laws of the United States.

Sec. 5. Articles 5802 and 5804 of the Revised Statutes, 1911, and all other laws and parts of laws in conflict herewith are hereby repealed.

Sec. 6. The public importance of this Act and the immediate necessity of passing a law to conform to the requirements of the National Defense Act, approved June 3, 1916, in order that the State of Texas may participate in the Federal appropriations for the maintenance and support of the National Guard of the various States, create an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this Act take effect from and after its passage, and it is so enacted.

## FOURTEENTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, May 8, 1917.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

By unanimous consent the Chair announced that the Senate would stand at ease for ten minutes, at the expiration of which time the roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Parr.
Dean.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Harley.	Sulter.
Henderson.	Westbrook.
Hopkins.	Woodward.

**Absent—Excused.**

Alderdice.                      Lattimore.  
Decherd.                      McCollum.  
Hall.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Johnson of Hall.

**Excused.**

Senator Hall for today and indefinitely on motion of Senator Bailey.

Senator Decherd for today and indefinitely on motion of Senator McNealus.

**Petitions and Memorials.**

See Appendix.

**Committee Reports.**

See Appendix.

**Page Appointed.**

The Chair announced the appointment of Jack Smith as a page in place of Voltai Lane, who has resigned.

**Citizens' Barbecue.**

Senator Caldwell extended to the Senate, officers and employes of the Senate an invitation to attend the citizens' barbecue, to be given at Lake Austin at 5:30 o'clock p. m. tomorrow, Wednesday, May 9.

On motion of Senator Hudspeth, the invitation was accepted.

**Messages from the Governor.**

Here the following messages from the Governor were received and laid before the Senate:

Governor's Office,  
Austin, Texas, May 8, 1917.

To the Thirty-fifth Legislature in Called Session.

At the request of Honorable C. R. Floyd, I hereby submit for your consideration a bill, hereto attached, be-

ing an Act creating the Annona Independent School District in Red River County.

At the request of Honorable J. M. Henderson and Honorable R. H. Jones, I also submit for your consideration a bill, hereto attached, being an Act to amend Section 36 of House Bill No. 820, which was an Act creating a more efficient road system for Bowie County, Texas, passed at the Regular Session of the Thirty-fifth Legislature.

And at the request of Honorable R. L. Pillow, Jr., I hereby submit for your consideration a bill, hereto attached, being an Act providing for an annual vacation to paid firemen in cities of 30,000 inhabitants or over.

Respectfully submitted,  
JAS. E. FERGUSON,  
Governor of Texas.

Governor's Office,  
Austin, Texas, May 8, 1917.

To the Thirty-fifth Legislature in Called Session.

At the request of Senator A. Parr, I hereby submit for your consideration a bill, hereto attached, being an Act to amend an Act entitled "An Act to create the Robstown Independent School District, known as Common School District No. 30, in Nueces County, Texas, etc."

At the request of Senator C. B. Hudspeth, I also submit for your consideration a bill, hereto attached, being an Act to accept the benefits of an Act passed by the Senate and House of Representatives of the United States of America in Congress assembled, for the promotion of vocational education; designating the State Treasurer as custodian for the reception and disbursement of all funds allotted to this State from the appropriations made by the Federal Act; designating and authorizing the State Board of Education to act in co-operation with the Federal Board for Vocational Education in the administration of the provisions of said Act; making an appropriation of \$62,150.00, or so much thereof as may be necessary, for the scholastic year 1917-18, and an appropriation of \$91,105.00, or so much thereof as may be necessary for the scholastic year 1918-19; providing compensations for appropriations by local boards or by the State in its educational budgets for the purposes

of this Act; naming the conditions under which aid may be extended.

Respectfully submitted,

JAS. E. FERGUSON,  
Governor of Texas.

#### Bills and Resolutions.

By Senator Bee:

S. B. No. 47, A bill to be entitled "An Act amending Article 3093, Chapter 4, Title 58, of the Revised Civil Statutes of 1911 of the State of Texas, and as amended by Chapter 142 of the Regular Session of the Thirty-third Legislature, and by Chapter 55 of the Regular Session of the Thirty-fifth Legislature so as to provide that county attorneys in counties having a population of over 100,000, where there is also a district attorney, may appoint, on the consent of the judge, not to exceed two assistants in addition to his regular deputies who shall not be required to possess the qualifications prescribed by law for district and county attorneys, and fixing their compensation, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Bee:

S. B. No. 48, A bill to be entitled "An Act to amend Articles 418 and 419, Chapter 1, Title 7, and Article 1161, Title 15 of the Code of Criminal Procedure of the State of Texas, and providing for the appointment of bailiffs for the grand jury, by adding three bailiffs by the district attorney, and not exceeding two bailiffs by the county attorney in counties of over 100,000 population to do such work as he may assign them, prescribing their duties and fixing their compensation; and amending Article 419 as to the duties of bailiffs for the grand jury so as to specify duties of the special bailiffs appointed by the district attorney and county attorney; and amending Article 1161 by making provision for the compensation of the special bailiffs appointed by the district attorney and county attorney, and repealing all laws and parts of laws in conflict with this Act or any portion of this Act, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Bee:

S. B. No. 49, A bill to be entitled "An Act prescribing the minimum qualifications of county superintendents of public instruction, fixing a schedule of maximum salaries for county superintendents, providing that no present commission shall be impaired, allowing commissioners' courts and boards of county school trustees to provide clerical and supervisory help, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Bee:

S. B. No. 50, A bill to be entitled "An Act creating the office of grand jury stenographer, and providing compensation therefor, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Buchanan of Scurry:

S. B. No. 51, A bill to be entitled "An Act to amend Chapter 83 of the Acts of the Regular Session of the Thirty-fifth Legislature of Texas, to create a more efficient road system for Nolan County, Texas, and making county commissioners ex officio road commissioners of their respective precincts and prescribing their powers and duties as such and providing for the compensation of such road commissioners and providing for the purchase of material for the construction and maintenance of roads and bridges, and providing for the compensation for such material, etc., and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Floyd:

S. B. No. 52, A bill to be entitled "An Act creating the Annona Independent School District in Red River County, Texas, including the present existing Annona Independent School District and certain other territory in said county, defining its boundaries, vesting said Annona Independent School District as created by this Act with all the rights, powers, privileges and duties exercised by independent school districts incorporated under the General Laws of this State; providing for the management and control of the district by a board of seven school trustees, etc., and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Henderson:

S. B. No. 53, A bill to be entitled "An Act to amend Section 36 of House Bill No. 820, which was an Act creating a more efficient road system for Bowie County, Texas, passed at the Regular Session of the Thirty-fifth Legislature, so that the same shall provide that the members of the commissioners' court of Bowie County shall be ex officio road commissioners of their respective precincts, inspect the roads of their respective precincts at least five days in each quarter, and that each shall receive compensation for his services as such special road commissioner the sum of \$600.00 per annum, and providing that each commissioner as a member of the commissioners' court shall receive the sum of \$3.00 for each and every day he may serve as a member of such court at any special or regular term thereof, and that the county judge of Bowie County shall also receive \$3.00 per day for serving as a member of the commissioners' court, etc., and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Hudspeth:

S. B. No. 54, A bill to be entitled "An Act to accept the benefits of an Act passed by the Senate and the House of Representatives of the United States of America in Congress assembled for the promotion of vocational education; designating the State Treasurer as custodian for the reception and disbursement of all funds allotted to this State from the appropriations made by the Federal Act; designating and authorizing the State Board of Education to act in co-operation with the Federal Board for Vocational Education in the administration of the provisions of said Act; making an appropriation of \$62,150.00, or so much thereof as may be necessary, for the scholastic year 1917-18, and an appropriation of \$91,105.00, or so much thereof as may be necessary, for the scholastic year 1918-19; providing compensation for appropriations by local boards or by the State in its educational budgets for the purposes of this Act; naming the conditions under which

aid may be extended, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Parr:

S. B. No. 55, A bill to be entitled "An Act to amend an Act entitled 'An Act to create the Robstown Independent School District, known as Common School District No. 30, in Nueces County, Texas, etc.,' passed by the First Called Session of the Thirty-second Legislature, 1911, and approved August 31, 1911, by amending Section 3 thereof so as to provide for the assessment and collection of taxes by the assessor and collector of Nueces County, etc., and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

#### Senate Concurrent Resolution No. 10.

By Senators Dayton and Buchanan of Bell:

Whereas, Marshal Joffre, hero of the Marne, and Hon. Rene Viviani, vice premier of the French Council of Ministers, are now present in the United States on an important mission from the government of France.

Whereas, the Republic of the United States of America owes to the Republic of France a debt of gratitude that we can never pay for the services of that distinguished gentleman, Marquis De La Fayette, for his co-operation with our illustrious Statesman and General, George Washington in service with the land forces of this country; and to that distinguished French Naval Officer, Rochambeau, who co-operated with our famous General, Farragut and to the treasury of France for the achievement of American independence.

Whereas, our former friend and present ally, together with the great nations of Great Britain, Russia, Italy, Belgium the smaller nations in area but as great in patriotism, of Serbia and Montenegro, and the Island Republic of the West—Cuba, Japan, Portugal and all other allies, are at present engaged in the most momentous and far reaching conflict that the world has ever known.

Whereas, a Texan from Bell County by the name of Bob Davis, carried the flag of triumph and victory to Viny Ridge on the blood



soaked battle fields of sunny France.

Whereas, it is desirable that a closer co-operation, and if possible, a more friendly relation with our allies, and a fitting tribute to the patriotism of the United States through a Texas citizen, shall be fully appreciated for further victories and success.

Therefore, be it resolved by the Senate of Texas, the House concurring, that we extend to the hero of the Marne, General Joffre, to the vice premier of the French Council of Ministers, Hon. Rene Viviani, an invitation to visit Texas, and address the joint assembly of this Legislature at a time convenient to said distinguished visitors.

The resolution was read and adopted by the Senate.

#### Simple Resolution No. 32.

Whereas, the Hon. M. M. Crane, a former member of the Senate of Texas, and an Ex-Lieutenant Governor of the State, is now in the Capitol; therefore be it resolved that he be requested to address the Senate and be given the privilege of the floor.

McNEALUS.

The resolution was read, adopted, and the Chair appointed Senators McNealus, Johnston of Harris and Parr to escort General Crane to the President's stand, whereupon he addressed the Senate briefly.

Morning call concluded.

#### Senate Bill No. 25.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

S. B. No. 25, A bill to be entitled "An Act to amend Article 6086, Revised Civil Statutes of the State of Texas, Chapter 1, Title 100, entitled 'Board of Pardon Advisers.'"

The committee report with amendments and that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Clark the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 25 put on

its third reading and final passage by the following vote:

Yeas—23.

Bailey.	Johnston of Harris.
Bee.	King.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Floyd.	Strickland.
Gibson.	Sulter.
Henderson.	Westbrook.
Hudspeth.	Woodward.
Johnson of Hall.	

Absent.

Buchanan of Bell. Hopkins.  
Harley.

Absent—Excused.

Alderdice.	Lattimore.
Decherd.	McCollum.
Hall.	

The bill was laid before the Senate, read third time and, on motion of Senator Clark, was passed by the following vote:

Yeas—21.

Bailey.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Parr.
Dean.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Henderson.	Westbrook.
Hudspeth.	Woodward.
Johnson of Hall.	

Nays—1.

Sulter.

Present—Not Voting.

Buchanan of Bell.

Absent.

Bee. Hopkins.  
Harley.

Absent—Excused.

Alderdice.	Lattimore.
Decherd.	McCollum.
Hall.	

Senator Clark moved to reconsider the vote by which Senate Bill No. 25 was passed and table the motion to reconsider.

The motion to table prevailed.

## Senate Bill No. 37.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

S. B. No. 37, A bill to be entitled "An Act to amend Section 24, Chapter 80, of Senate Bill No. 460, being an Act passed by the Thirty-third Legislature of the State of Texas, creating a more efficient road system for Bastrop County, Texas, said Section 24 relating to the compensation of members of the commissioners court and county judge of Bastrop County, Texas, as ex officio road commissioners, and fixing the compensation of the county judge and commissioners court for each and every day of service; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Page, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 37 put on its third reading and final passage by the following vote:

## Yeas—21.

Bailey.	Johnston of Harris.
Bee.	King.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Clark.	Smith.
Dayton.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Henderson.	Woodward.
Johnson of Hall.	

## Absent.

Dean.	Hudspeth.
Harley.	Robbins.
Hopkins.	

## Absent—Excused.

Alderdice.	Lattimore.
Decherd.	McCollum.
Hall.	

The bill was laid before the Senate, read third time and, on motion of Senator Page, was passed by the following vote:

## Yeas—21.

Bailey.	Johnston of Harris.
Bee.	King.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Dayton.	Smith.
Dean.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Henderson.	Woodward.
Johnson of Hall.	

## Absent.

Clark.	Hudspeth.
Harley.	Robbins.
Hopkins.	

## Absent—Excused.

Alderdice.	Lattimore.
Decherd.	McCollum.
Hall.	

Senator Page moved to reconsider the vote by which Senate Bill No. 37 was passed and table the motion to reconsider.

The motion to table prevailed.

## Senate Bill No. 16.

The Chair laid before the Senate as pending special order of business on second reading:

S. B. No. 16, A bill to be entitled "An Act to authorize an extension of the contracts made with various book companies by the State of Texas to furnish school books for the public schools and which contracts terminate under the terms of the same on August 31, 1919, for a period of one year from that date; providing for said extension to be made by the Board of Education of the State of Texas on or before June 1, 1918," etc.

The bill having been read second time on yesterday, Senator Suiter moved the adoption of the minority (favorable) committee report, and the same was adopted.

Senator Bee offered the following amendment:

(1) Amend Senate Bill No. 16 by striking out all after the enacting clause and insert in lieu thereof the following:

Section 1. That a permanent text book commission for the State of Texas is hereby authorized and styled "The Texas State Textbook Commission." The commission shall be con-

stituted as follows: the Governor of Texas, the State Superintendent of Public Instruction, and seven other competent persons to be appointed by the aforesaid named officials as herein and after provided; From the public school forces of the State the Governor shall name three competent persons, and the State Superintendent shall name four competent persons, representing as nearly as possible every phase of the public school work. The term of office for the appointive members shall be for a period of not more than two years and shall be concurrent with the term of office of the official making the appointment. No person who has acted as a textbook agent for any author or publishing house, or who has been an author or associate author of any book published by any house, or who has directly or indirectly been concerned in the authorship of any textbook or in any publishing house shall be eligible to appointment on the textbook commission. The commission shall meet at such times and places as may be designated by the chairman, and it shall adopt such rules and regulations for the transaction of its business as it may deem proper, not contrary to the provisions of this Act; provided, that no legal representative or temporary employe or other special agent employed by any author or publishers shall be allowed to present the merits of a book to the members of the commission, individually or collectively, except as hereafter defined, and any contract entered into by said commission when so represented shall be void; but the commission may allow the authors of books or publishers or any regular or permanent employe to appear before the commission and represent the merits of books when said commission is in session, and not otherwise, and under such restrictions and regulations as are provided by the State Textbook Commission and are in accord with the provisions of this Act.

Sec. 2. Each member of the commission, before entering upon his duties as a member of the commission, shall make out and file with the Secretary of State an affidavit that he is not and has not been directly or indirectly interested in, or connected with, or employed by, any publishing house, person, firm or cor-

poration submitting any books for adoption, or in any books offered for adoption, or in any books adopted, nor is he connected in business with any person or agent representing such house, person, firm or corporation to whom any contract may be awarded by said commission during the term and duration of said contract; and that he is not connected in any business with any person or agent representing such house, firm or corporation.

Sec. 3. The Governor shall be chairman of the commission, and the State Superintendent shall be its secretary who shall keep a complete record of all proceedings of the commission. The commission shall meet at such times and places as may be designated by the chairman, and it shall adopt such rules and regulations for the transaction of its business as it may deem proper.

Sec. 4. It shall be the duty of the commission to meet not later than September 1, 1918, and as often thereafter as may be necessary, for the purposes of considering the advisability of continuing or discontinuing at the expiration of all current contracts any or all of the State adopted textbooks in use in the public schools of Texas, and of making such adoptions as are provided for in Section 5 of this Act. Before making any change in the adopted series, however, the commission shall, upon thorough investigation, satisfy itself that a change is desirable in the interests of the children in the schools, and if in the judgment of the commission no text on any subject or subjects is offered that is better suited to the requirements of the schools than the present adopted text or texts, then it shall be lawful for the commission to renew any contract for such period of time as may be deemed advisable, not to exceed a period of six years. If no text or texts on any prescribed subject or subjects are submitted by any particular publisher or publishers that meet the requirements of the schools, as may be determined by the commission, then it shall be the duty of the chairman of the commission to instruct the secretary of the commission to investigate the book markets for the purpose of securing bids with a view to providing at the most reasonable price or prices possible

the best available texts on any and all subjects that are to be adopted by the commission for the schools of Texas.

Sec. 5. The textbook commission authorized by this Act shall have authority to select and adopt a uniform system of textbooks to be used in the public free schools of Texas, and the books so selected and adopted shall be printed in the English language and shall include and be limited to textbooks on the following subjects: Spelling, a graded series of reading books, a course in language lessons, English Grammar, English Composition, Oral English History, English Literature, History, American Literature, Geography, Arithmetic, Mental Arithmetic, Physiology and Hygiene, Civil Government, Algebra, Physical Geography, History of the United States (in which the construction placed on the Federal Constitution by the fathers of the Confederacy shall be fairly represented), History of Texas, Agriculture, a graded system of writing books, plane geometry, solid geometry, physics, chemistry, general history, and Latin; provided that the series of readers adopted by the commission shall have a full page out of the manual alphabet as used by the Texas school for the Deaf; provided that none of said textbooks shall contain anything of a partisan or sectarian character, and that nothing in this Act shall be construed to prevent the teaching of German, Bohemian, Spanish, French, Latin or Greek in any of the public schools as a branch of study, but the teaching of one or more of these languages shall not interfere with the use of textbooks herein prescribed, and the study of a language known as a dead language, such as Latin or Greek, shall never be made compulsory as a requirement for the completion of any regular course of study in use in any public school in this State without providing an equivalent course for graduation equal in all other respects to such a course, containing such dead language or languages, which shall not include the same; provided, however, that nothing herein shall be construed to prevent the use of supplementary books as herein provided.

Sec. 6. The textbook commission

shall have authority to adopt a series of supplementary readers for the elementary grades and such other supplementary books as it may deem advisable for use in the public free schools of the State. Each bidder presenting such book or books shall state at what price it or they are offered, provided, however, that no supplementary books shall be purchased and used to the exclusion of the books prescribed under the provisions of Section 5 of this Act, but full use must be made in good faith of the books selected by said commission under Section 5 before any of the supplementary books provided for in this Section shall be required to be purchased and used; and no other supplementary readers shall be required to be purchased and used in good faith.

Sec. 7. The textbook commission may at any time require such changes, amendment or additions to the book or books adopted as in their judgment will be for the best interest of the public schools of this State; and contracts for books under the provisions of this Act shall be made upon the distinct condition that the commission provided for in this Act may, during the time for which books are adopted under this Act, upon giving one year's previous notice to the publishers thereof, order such changes, amendments and additions to the book or books so adopted as such textbook commission may determine; provided, also that if in the judgment of the commission such changes or revisions make it impractical for the revised books to be used in the same class with the old books, the publishers will be required to give the same exchange terms as were given when the books were first adopted, and such exchange period shall extend two years from the time the revised books are first put into use in the schools; provided, that nothing in this section shall be construed so as to give said commission power or authority to abandon any book or books originally contracted for.

Sec. 8. When books are to be selected and adopted under the provisions of this Act the chairman of the commission shall for thirty days by notices in the public press and by written notices mailed to all per-



sons, firms or corporations in whose behalf such notices may be requested, in which advertise that sealed bids will be received at the time and place fixed in said notice and not later than September 1, 1918. Each bid shall state specifically at what price each book will be furnished, and shall be accompanied by specimen copies of each book offered, and it shall be required that each bidder deposit with the treasurer of the State of Texas such sum of money as the commission may require, to be not less than five hundred dollars, nor more than twenty-five hundred dollars, according to the value of the books each bidder may propose to supply. Such deposits shall be forfeited to the State absolutely if such bidder so depositing shall fail to make and execute such contract and bond as herein required with such times as the commission may require, which time shall be specified in the notice advertised.

Sec. 9. All bids submitted under Section 8 of this Act shall be sealed and deposited with the chairman of the commission, to be delivered by him in the commission in session and for the purpose of considering the same, and shall be opened in the presence of the commission; provided, that the commission shall not consider a bid of any publisher of school books who has failed to pay the tax due and payable the State of Texas under Chapter 148 of the Acts of the Twentieth Legislature, and who has failed to make the affidavit required in Section 1 of this Act. Each individual, firm or corporation submitting bids to the commission for its consideration, or presenting books for adoption under the provisions of this Act, shall file with the Secretary of State an affidavit giving the names of all people employed to aid in any way whatsoever in securing the contract, and that no member of the commission is in any manner interested directly or indirectly, in such individual, firm or corporation. If the fact should be disclosed that any member of the commission is so interested, it shall work a disqualification of such member of the commission, and he shall not be permitted to serve on the commission; or if it should further be disclosed that any member of the commission is or

has been interested in any book or series of books as the author or associate author, or in any way pecuniarily interested in any book or series of books published by any house bidding for this contract, or offered for use in the public schools of this State, or that any member of the commission is interested in any such book or series of books in any manner, such fact shall likewise work as a disqualification of such member, and he shall not be permitted to serve upon the commission.

Sec. 10. It shall be the duty of the commission to meet at the time and place mentioned in the notice and advertisement, and it shall then and there open and examine the sealed proposals received; and it shall be the duty of the commission to make a full and complete investigation of all the books and bids accompanying the same. The textbooks shall be selected and adopted after a careful examination and consideration of all books presented, and the books selected and adopted shall be those which in the opinion of the commission are most acceptable for use in the schools, quality, mechanical construction, paper, print, price, authorship, literary merit and other relevant matters being given such weight in making its decision as the commission may deem advisable. The commission shall proceed without delay to adopt for use in the public schools of this State textbooks on all the branches hereinbefore mentioned; provided, that if the bid submitted to said commission should not be satisfactory to said commission, they may postpone the selection of such books or a part thereof to such time as they may select, and after the same is readvertised new bids may be received and acted on by such commission as provided for in this Act; provided, that no textbook shall be adopted until it has been read and carefully examined by at least a majority of the commission.

Sec. 11. The commission shall stipulate in the contract where a change shall be made from the books in use that the contractor or contractors shall take in exchange the respective books adopted by the commission then in use in part payment for the new books; and all bidders under this Act shall specify what allowance they will make for

the said respective books adopted under this Act; provided, that said allowance and condition for the exchange of the old books shall be enforced only during the two scholastic years following a change in books, and no book shall be taken in exchange which was not in use in the public schools during the scholastic year next preceding the change, or which was not so purchased by book dealers for the session next preceding such exchange; and provided that the commission shall prescribe and promulgate the conditions of exchange, and upon failure to comply with such conditions by any contractor, suit shall be instituted against such contractor in accordance with Section 28 of this Act, and that said conditions of exchange shall be made a part of each contract authorized under this Act.

Sec. 12. Every contract entered into with a publisher for the adoption of any book or books shall contain a provision that the commission herein provided for may, during the life of the contract, upon giving one year's previous notice to the publishers of such book or books, order such changes, amendments and addition to the book or books so selected and adopted as in the discretion of said commission shall keep them up to date and abreast of the times; provided that such provision shall not be made oftener than once in two years.

Sec. 13. The bidder to whom any contract may have been awarded shall make and execute a good and sufficient bond payable to the State of Texas in the sum of not less than twenty thousand dollars for each book adopted under the provisions of this Act; provided further that the commission is hereby given authority to require bond in such further and additional sum as it may deem advisable, said bond to be approved by the commission, such bond to be conditioned that the contractor shall faithfully perform all the conditions of the contract. The contract and bond shall be prepared by the Attorney General and shall be payable in Travis County, Texas, and be deposited in the office of the Secretary of State. The bond shall not be exhausted by a single recovery thereon, but may be sued upon from time to time until at any time

upon twenty days' notice require a new bond be given, and in the event the contractor shall fail to furnish such new bond the contract of such contractor may at the option of the State Board of Education be forfeited.

Sec. 14. The commission shall not in any case contract with the publisher for any book or books to be used in the public schools of this State at a price in excess of the lowest price at which said publisher or publishers can furnish or have offered to furnish and distribute the same book or books under contract with any other State, county or school district in the United States; provided, that in the event any such contract is made it shall be the duty of the Attorney General to institute suit upon the bond hereinabove provided for, for a recovery on behalf of the State of the liquidated damages due under and as provided for in Section 28 of this Act, and proof of a violation of this provision in any particular shall be prima facie evidence of liability in any such suit brought hereunder, and in case that any contractor who has a contract to furnish a book or books for the State under the provisions of this Act shall at any time during the period of this adoption contract with any other State, county or school district in the United States to furnish the same book or books at a lower price than fixed in accordance with the provisions of this Act, under similar conditions of sale and distribution as may be decided by the State Board of Education, such lower price shall immediately be given to school district in the United States the duty of the Attorney General to bring suit on the bond of such contractor upon refusal to reduce such price.

Sec. 15. No book or books shall be purchased from any person, firm or corporation who is a member of or connected with any trust; and in the event it be established that this provision has been violated, such violation shall be held to be fraud and collusion as contemplated under Section 28 of this Act, and the Attorney General shall bring suit upon the bond of such person, firm or corporation and upon proof of such violation shall recover the liquidated damages as provided for in said Section 28 hereof, as defined by the

laws of this State, and a sworn affidavit that said person or corporation is not connected either directly or indirectly with a trust shall be required, and said affidavit shall be filed with said commission. Before proceeding to adopt books as provided under the provisions of this Act, the commission shall require all persons, firms and corporations bidding for a contract to file with the commission a sworn statement on or before the date selected by the commission for receiving sealed bids, stating whether said person, firm or corporation is interested, or whether said person, firm or any member thereof or any individual stockholder of such corporation is interested in acting as a director, trustee or stockholder, either directly or indirectly or through a third party in any manner whatsoever, in any other publishing house, and this statement shall be sworn to by such person, a member of such firm or the president, secretary, and each of the directors of said corporation. All firms or persons bidding for a contract for supplying books shall present a sworn statement signed by all its members showing the names of all members of said firm, and whether any other person, interest in said firm, and also whether any individual member or members of said firm have any financial interest in any other publishing firm or corporation of publishers; provided further, that the commission shall require all corporations or persons, or firms to file with the governor attested copies of all written agreements entered into and existing between them and others engaged in the publishing business, and, if in the opinion of the commission such written agreements or other facts adduced are violations of the anti-trust law of the State of Texas, or opposed to public policy, the bids of such houses shall not be considered by the commission.

Sec. 16. It shall be a part of the terms and conditions of every contract made in pursuance of this Act that the State of Texas shall not be liable to any contractor thereunder for any sum whatsoever, but all such contractors shall receive compensation solely and exclusively from the proceeds of the sale of school books as provided in this Act.

Sec. 17. Each contract shall be

duly signed by the publishing house or its authorized officers and agents; and if it is found to be in accordance with the award and all the provisions of this Act, and if the bond herein required is presented and duly approved, the commission shall approve said contract and order it to be signed on behalf of the State by the Governor in his capacity as chairman. All contracts shall be made in duplicate, one copy to remain in custody of the Secretary of State and be copied in full in the minutes of the meeting of the commission in a well bound book, and the other copy to be delivered to the company or its agent.

Sec. 18. When any person has been awarded a contract and he has filed his bond and contract with the commission and the same has been approved, the commission shall make an order on the Treasurer of the State reciting such fact, and thereupon the Treasurer shall return the deposit of such bidder to him; but if any successful bidder shall fail to make and execute the contract and bond as hereinbefore provided, the Treasurer, shall place the deposit of such bidder in the State Treasury to the credit of the available school fund, and the commission shall readvertise for other bids to supply such books which said bidder may have failed to supply. All unsuccessful bidders shall have their deposit returned to them by the State Treasurer as soon as the commission has decided not to accept their bids.

Sec. 19. As soon as the State shall have entered into the contract for the furnishing of books for use of the public schools of this State under the provisions of this Act, it shall be the duty of the commission to issue its proclamation of such facts to the people of the State; and the State Superintendent of Public Instruction shall carefully label and file away the copies of the books adopted as furnished for examination to the board; and such copies of such books shall be securely kept and the standard of quality and mechanical excellence of the book or books so furnished under this Act shall be maintained in said books so furnished under contract authorized by this Act during the continuance of the contract.

Sec. 20. As soon as practicable



after the adoption of the textbooks provided for in this Act, the Superintendent of Public Instruction shall address a circular letter to the county superintendent and to the president of the school boards in independent school districts, which circular letter shall contain a list of all the books adopted, with their respective prices, together with such other information as he may deem advisable.

Sec. 21. All parties with whom the contracts have been made shall establish and maintain in some city in the State a depository where a stock of their goods to supply all immediate demands shall be kept; all contractors not maintaining their own individual or separate State agencies or depositories shall maintain a joint agency or depository to be located at some suitable and convenient distributing point, at which general depository each contractor joining in said agency shall keep on hand a sufficient stock of books to supply sub-depositories, and every contractor shall establish and maintain in every county in the State having an enrollment of five hundred pupils or more in the public schools as shown in the last preceding report of the county superintendent, on file in the office of the State Superintendent of Public Instruction, one or more agencies, one of which shall be at the county seat. At each county seat, as above provided, and in every city in the State containing five hundred inhabitants or over shall be maintained an agency of each contractor carrying a sufficient stock of all books contracted for to supply all immediate demands; provided, that in all the counties not entitled to a depository under the conditions as provided for in this Act contractors shall supply such adopted books under such rules and regulations as may be approved by the State Board of Education. Any person, dealer or school board in any county in the State may order from the central agency, and the books so ordered shall be furnished at the same rate and discount as are granted to agents at the county seat; provided that the price of books so ordered shall be paid in advance. Upon the failure of any contractor to furnish the books as provided in the contract, and in this Act, the coun-

ty judge in the county wherein such books have not been so furnished shall report the fact to the Attorney General, and he shall bring suit on account of such failure in the name of the State of Texas, in the district court of Travis County, and shall recover on the bond given by such contractor for the full value of the books not furnished as required, and in addition thereto the sum of one hundred dollars, and each day of failure to furnish the books shall constitute a separate offense, and the amounts so recovered shall be placed to the credit of the available school fund of the State. Any unorganized county shall be furnished from the same agency as the county to which said unorganized county is attached for judicial purposes in the same manner as such organized county.

Sec. 22. The contract price of each book shall be plainly printed on the back of each book, together with the following notice: "The price marked hereon is fixed by the State, and any deviation therefrom should be reported to the State Superintendent of Public Instruction." First two years of the contract for new books the exchange price of each book shall be printed thereon, also.

Sec. 23. The books adopted by the commission under the provisions of this Act shall be introduced and used as text books to the exclusion of all others in public free schools of this State for a period of covering six scholastic years beginning September 1, 1919; provided nothing in this Act shall be construed to prevent or prohibit the patrons of the public schools throughout the State from procuring books in the usual way in the event that no contracts are made.

Sec. 24. Any school trustee who shall prevent or aid in preventing the use in any public school in this State of the books or any of them as adopted under the provisions of this Act, or any teacher in any public school in this State who shall willfully fail or refuse to use the said books shall be guilty of a misdemeanor and upon conviction shall be fined a sum of not less than five dollars and not more than fifty dollars for each offense, and each day of such wilful failure or refusal by said teacher or wilful prevention of



the use of the books by said trustee shall constitute a separate offense.

Sec. 25. No trustee or teacher shall ever receive any commission or rebate on any books used in the schools with which he is concerned as such trustee or teacher, and if any such trustee or teacher shall receive or accept any such commission or rebate he shall be guilty of a misdemeanor and upon conviction he shall be fined not less than fifty dollars and not more than one hundred dollars.

Sec. 26. Any person not the author or publisher or the bona fide permanent and regular employe of such publisher who shall appear before such textbook commission in behalf of any book submitted to the commission for adoption, or seek to influence the members thereof, or any author, publisher, bona fide permanent and regular employe of such publisher who seeks to influence the said textbook commission in the selection or adoption of any textbook by appearing to the members of said commission separately, or at any other time when the commission is in regular session, or in any violating Section 1 of this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five dollars nor more than one hundred dollars, and shall be confined in the county jail for not less than thirty days and not more than ninety days.

Sec. 27. When the supplementary books other than those selected by the textbook commission are used, they shall be furnished at prices fixed by the trustees of the school in which they are used and approved by the State Superintendent of Public Instruction; and if any teacher or trustee shall knowingly and directly or indirectly receive from any pupil a greater price therefor than the price fixed, he shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty dollars nor more than one hundred dollars.

Sec. 28. The State may at its election cancel any contract entered into by virtue of the provisions of this Act for fraud, or collusion, or material breach of contract upon the part of either party of the contract, or any member of the commission, or any person, firm or cor-

poration or their agents making said bond or contract; and for the cancellation of any such contract the Attorney General is hereby authorized to bring suit in the proper court in Travis County, and in case of the cancellation of any contract as provided for, the damages are fixed at not less than the amount of said bond, to be recovered as liquidated damages in the same suit, cancelling said contract; and on account of the difficulty of determining the damages that might accrue by reason of such fraud and cancellation of such contract, the full amount of the bond given by the contractor shall be considered as liquidated damages to be recovered out of said bond by the State at the suit of the Attorney General, and every contract that shall contain a clause to this effect.

Sec. 29. Any person, firm or corporation with whom a contract has been entered into under the provisions of this Act shall designate the Secretary of State of Texas as its or their agent, upon whom citation and all other writs and processes may be served in the event any suit shall be brought against such person, firm or corporation.

Sec. 30. The teachers selected upon said commission under the provisions of this Act shall receive as compensation for their services the sum of five dollars per day each while on active duty and actual traveling expenses in going to and from the place of meeting, and in attending to the business of the commission, to be paid upon warrants drawn by the Comptroller under the direction and approval of the chairman of the commission; and the sum of four thousand dollars for the fiscal year ending August 31, 1918, and one thousand dollars for each year thereafter, or so much thereof as may be necessary, is hereby appropriated out of the general revenue of this State, not otherwise appropriated, for the purpose of paying the same and cost and expense of putting into effect the provisions of this Act; provided, that the Superintendent of Public Instruction be and is hereby fully authorized to employ one stenographer to assist in the clerical work of the State Textbook Commission, the pay of said stenographer to be paid out of the appropriations herein made.

Sec. 31. In the event the proposed amendment to article 7 of the Constitution of Texas, to be voted on in November, 1918, is adopted and thereafter put into actual operation and effect before the expiration of any text book contracts awarded hereunder, or if for any other reason before the expiration of any textbook contracts awarded hereunder, it is decided to furnish free text books by the State of Texas for use in the public schools the books covered by such contracts shall be continued in use until the expiration of such contracts at the prices contracted for and under all the other terms and conditions of this Act, and in submitting any bid or bids under the terms of this Act every bidder shall agree that the books embraced in said bid shall be sold and delivered to the State of Texas at the prices offered in said bid and that the State shall receive the same discount from such prices that the bidder is allowing any depository in the State of Texas at the time that the State takes over the furnishing of free books for use in the public schools.

Sec. 32. The fact that the present contract with publishers for furnishing text books in this State will expire before the next Legislature can provide for the board for making new contracts and give time to the publishers to furnish the books, and the fact that frequent changes in textbooks is an unnecessary burden upon the people of this State, and that some method should be adopted to prevent useless expenditure for books and at the same time keep the books used in the public schools of this State up to date, create an emergency and an imperative public necessity requiring the constitutional rule that all bills shall be read on three several days be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senator Gibson offered the following amendment to the pending amendment:

(1) Amend the pending amendment by striking out Sec. 4 and inserting in lieu thereof the following:

Section 4. It shall be the duty of the commission to meet not later

than August 1, 1917, and as often thereafter as may be necessary, for the purpose of considering the advisability of continuing or discontinuing at the expiration of the present contracts any of the State adopted textbooks in use in the public schools of Texas; provided that not more than three series of texts in the elementary grades nor one series of texts in the high school grades shall be changed in any one year, if the price of books now in use are offered as cheap as books of like quality are offered by other publishers. Before making any change in the adopted books however, the commission shall upon thorough investigation satisfy itself that a change is desirable in the interests of the children in the schools, and then it shall be lawful for the commission to make new adoptions covering a period of six years in each case where a change is found desirable; but if, in the judgment of the commission, it is found that no change is desirable in any of the adopted texts, then it shall be lawful for the commission to renew any present contracts for such period of time as may be deemed advisable, not to exceed a period of six years, in accordance with the provisions of this Act. If in the judgment of the commission any change or changes in the adopted texts shall be made it shall be the duty of the commission to advertise for bids as provided in Section 8 of this Act. If no text or texts on any prescribed subject are submitted by any publisher or publishers that meet the requirements of the schools, as may be determined by the commission, then it shall be the duty of the chairman of the commission to instruct the secretary to the commission to investigate the book markets for the purpose of securing bids with a view to securing at the most reasonable price or prices possible the best available texts on any and all subjects that are to be adopted by the commission for the schools of Texas.

Senator Johnston of Harris offered the following substitute for the amendment to the pending amendment:

Amend the amendment by striking out Section 4 and insert in lieu thereof the following:

Section 4. It shall be the duty of the commission to meet annually on

the second Tuesday in April and as often thereafter as may be necessary, for the purpose of considering the advisability of continuing or discontinuing at the expiration of present contracts any of the State adopted textbooks now in use in the public schools of Texas; provided that not more than two subjects in the elementary grades nor two subjects in the high school grades shall be changed in any one year; provided further that the books now in use are offered as cheap as books of like quality are offered by other publishers. Before making any change in the adopted series, however, the commission shall, upon thorough investigation, satisfy itself that a change is desirable in the interests of the children in the schools, and then it shall be lawful for the commission to make new adoptions covering a period of not less than six years in each case where a change is found desirable, but if in the judgment of the commission it is found that no change is desirable, in any of the adopted texts, then it shall be lawful for the commission to renew any present contracts for such period of time as may be deemed advisable, not to exceed a period of six years, in accordance with the provisions of this Act. If in the judgment of the commission any change or changes in adopted texts shall be made, it shall be the duty of the commission to advertise for bids as provided in Section 8 of this Act. Provided no action be taken looking to any change in existing contracts before the meeting in April 1919 unless the publishers holding existing contracts fail or refuse to renew contracts now in force. If no text or texts on any prescribed subject or subjects are submitted by any publisher or publishers that meet the requirements of the schools, as may be determined by the commission, then it shall be the duty of the chairman of the commission to instruct the secretary of the commission to investigate the book markets for the purpose of securing bids with a view to securing at the most reasonable price or prices possible, the best available texts on any and all subjects that are to be adopted by the commission for the schools of Texas.

Pending.

(Senator Bailey in the chair.)

### Recess.

At 12:30 o'clock p. m., on motion of Senator Page, the Senate recessed until 2:30 o'clock today.

### After Recess.

(Afternoon Session.)

The Senate was called to order by President Pro Tem. Suiter at 2:30 o'clock.

### Simple Resolution No. 33.

(By unanimous consent.)

Whereas, Hon. S. B. Cowell, a former distinguished member of this body, is present in the city.

Therefore, be it resolved by the Senate that he be invited to address the Senate, and the privileges of the floor be extended to him.

Dayton, Hopkins, Johnson of Hall, Hudspeth, Westbrook, McNealus, Bee.

The resolution was read and adopted.

Ex-Senator Cowell addressed the Senate.

(Senator Henderson in the chair.)

### Simple Resolution No. 34.

(By unanimous consent.)

Whereas, Hon. Charles Pergler an eminent jurist of the State of Iowa, who is touring the country delivering addresses upon the subject of economic conditions in sections of Europe will address the House of Representatives by invitation of that body on Thursday, May 10, at 1:30 p. m. therefore be it

Resolved that the Senate stand at recess at that hour and attend in a body to hear the address of that distinguished visitor to our state.

CLARK.

The resolution was read and adopted.

### Senate Concurrent Resolution No. 11.

(By unanimous consent.)

Whereas the ultimate test and proof of the American citizen's patriotism and loyalty to America is his

willingness to fight and die if need be, for its preservation, and,

Whereas such proof is given materially when the American citizen voluntarily offers his services to America, and,

Whereas such act is one of a public nature and the knowledge thereof as a matter of right and justice should be available to all men, and,

Whereas at the present time there is no convenient method of disseminating this information and preserving a convenient permanent record of same, therefore,

Be it Resolved by the Senate of Texas, the House of Representatives concurring, that the Legislature of the State of Texas do, by this resolution, respectfully suggest and recommend to the President of the United States of America that he submit to Congress at the earliest time possible a proposal that appropriate legislation be enacted providing that there shall be displayed in each Postoffice and Federal Building, a list giving the full names and local residence address of each person voluntarily offering their services to the United States of America, said list to be enclosed in a frame protected by glass and be accessible to public view, and such list to bear at its top in bold letter the inscription "America's ROLL OF HONOR", and be known as such, and to contain the names of volunteers from the immediate neighborhood of such Post Office or Federal Building or such additional area as may be prescribed by the Secretary of War.

And the further recommendation that where the inhabitants of any county, city, town, village or area of land under the jurisdiction of the United States of America, desire to erect a permanent monument or tablet at their expense, on which is to be inscribed the names of Volunteers in the service of the United States, and any patriotic inscription which they desire, the Secretary of War, shall, upon application, furnish said inhabitants of such district, hereinbefore referred to, a certified list of such volunteers and their places of labor, in the service of the United States.

And providing appropriate penalties for the destruction or desecration of such monument or tablets.

CLARK.

The resolution was read and adopted.

#### Message From the House.

Hall of the House of Representatives  
Austin, Texas, May 8, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following:

S. C. R. No. 10, Inviting the eminent representatives of France, now in the United States, to address the Texas Legislature.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### Senate Bill No. 32.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

S. B. No. 32, A bill to be entitled "An Act concerning loan and investment companies, defining same, and providing for their incorporation, powers and supervision."

The committee report that the bill be not printed but be printed in the Journal, was adopted.

Senator McNealus offered the following amendments which were read and adopted being voted on separately:

(1) Amend Senate Bill No. 32, page 3, by adding after section 8, another section to be known as section 9, to read as follows: "The fact that there is no law permitting the incorporation of Loan and Investment Companies and defining their powers, and the fact that there are a great number of citizens within the State of Texas who are not able to borrow money under the general banking system, because of lack of security, creating an emergency and an imperative public necessity authorizing the suspension of the constitutional rule requiring that all bills be read on three several days be suspended and the same is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted."

(2) Amend the caption of Senate Bill No. 32, by adding after the word supervision, the words "and declaring an emergency."



The bill was read second time and passed to engrossment.

On motion of Senator McNealus, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 32 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Parr.
Dean.	Smith.
Floyd.	Strickland.
Gibson.	Sulter.
Harley.	Westbrook.
Henderson.	Woodward.
Hopkins.	

Absent.

Robbins.

Absent—Excused.

Alderdice.	Lattimore.
Decherd.	McCollum.
Hall.	

The bill was laid before the Senate, read third time and, on motion of Senator McNealus, was passed by the following vote:

Yeas—24.

Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Floyd.	Smith.
Gibson.	Strickland.
Harley.	Sulter.
Henderson.	Westbrook.

Absent.

Robbins.	Woodward.
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Absent—Excused.

Alderdice.	Lattimore.
Decherd.	McCollum.
Hall.	

Senator McNealus moved to reconsider the vote by which Senate Bill No. 32 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 22.

The Chair laid before the Senate as special order on second reading:

S. B. No. 22, A bill to be entitled "An Act granting to the city of Austin, for public purposes only, certain land lying between the Colorado River and outlots 1 and 11, in Division "Z" in the city of Austin, Texas, upon certain terms and conditions; and reserving to the State certain rights therein; providing for the forfeiture of said land to the State of Texas if used for other purposes than public purposes; and declaring an emergency."

On motion of Senator Caldwell, the bill was laid on the table subject to call.

Senate Bill No. 16.

(Pending.)

Action recurred upon pending business, Senate Bill No. 16, the textbook bill, the question being upon the substitute by Senator Johnston of Harris for the amendment by Senator Gibson to the pending amendment by Senator Bee to Senate Bill No. 16.

Senator Caldwell moved the previous question on the adoption of the amendment to the amendment and the substitute therefor, which being duly seconded, the main question was ordered.

Action recurred upon the substitute of Senator Johnston of Harris for the amendment by Senator Gibson to the pending amendment by Senator Bee, and the substitute was adopted by the following vote:

Yeas—11.

Buchanan of Bell.	Smith.
Dean.	Strickland.
Floyd.	Sulter.
Johnston of Harris.	Westbrook.
McNealus.	Woodward.
Robbins.	

Nays—10.

Bee.	Gibson.
Buchanan of Scurry.	Harley.
Caldwell.	Hopkins.
Clark.	King.
Dayton.	Page.

Present—Not Voting.

Henderson.

## Absent—Excused.

Hall.

## Pairs Recorded.

Senator Bailey (present), who would vote "nay;" Senator Alderdice (absent), who would vote "yea."

Senator Parr (present), who would vote "nay;" Senator Decherd (absent), who would vote "yea."

Senator Johnson (present), who would vote "yea;" Senator McCollum (absent), who would vote "nay."

Senator Hudspeth (present), who would vote "nay;" Senator Lattimore (absent), who would vote "yea."

Action then recurred upon the adoption of the amendment to the amendment as substituted and the same was lost by the following vote:

## Yeas—11.

Buchanan of Bell. Smith.  
Dean. Strickland.  
Floyd. Sulter.  
Johnston of Harris. Westbrook.  
McNealus. Woodward.  
Robbins.

## Nays—11.

Bec. Harley.  
Buchanan of Scurry. Henderson.  
Caldwell. Hopkins.  
Clark. King.  
Dayton. Page.  
Gibson.

## Absent—Excused.

Hall.

## Pairs recorded.

Senator Bailey (present), who would vote "nay;" Senator Alderdice (absent), who would vote "yea."

Senator Hudspeth (present), who would vote "nay;" Senator Lattimore (absent), who would vote "yea."

Senator Parr (present), who would vote "nay;" Senator Decherd (absent), who would vote "yea."

Senator Johnson (present), who would vote "yea;" Senator McCollum (absent), who would vote "nay."

Senator Buchanan of Scurry offered the following amendment to the pending amendment of Senator Bee:

Amend the amendment by adding after the word "years," in line 18, page 3, the following:

Provided no book or books in the list of State adopted textbooks, at the time current contracts expire, shall be changed if the contractor

furnishing same will enter into contract and bond to continue to furnish such book or books at the price and of the quality specified in the current contract for a period of time not to exceed six years, as may be determined by the Commission.

Senator Dean offered the following substitute for the amendment to the pending amendment:

Amend the amendment by striking out Section 4 thereof and inserting in lieu thereof the following:

Section 4. It shall be the duty of the Commission to meet not later than January 1, 1918, for the purpose of ascertaining whether the existing contracts of the book companies and publishers, which are now under contract with the State of Texas to furnish books to the public schools of this State, will extend the time of such contracts for a period of one year from and after August 31, 1919, and if the Commission can renew said existing contracts or any of them, then the Commission is hereby directed, instructed, authorized and empowered for and on behalf of the State of Texas, to enter into and contract with such book companies or publishers now under contract with this State to furnish books to the public schools of the State, extending the time of such contract for a period of one year from the date of this termination, August 31, 1919, and providing that the respective renewal contracts shall be upon the same terms and conditions as the contracts now in force, and the price of all books furnished thereunder shall be the same as provided for in the contracts now in effect; which said contracts of extension shall be made and entered into on or before June 1, 1918. If a portion, but not all of such existing contracts can be renewed the Commission shall renew such of said contracts as can be renewed; and no new adoptions shall be made hereunder except as to subjects not covered by existing contracts or renewals, prior to January 1, 1920; and before making any change in the adopted series, however, the Commission shall, upon thorough investigation, satisfy itself that a change is desirable in the interest of the children in the schools, and if in the judgment of the Commission no text on any subject or subjects, if offered, that is better suited to the requirements of the

schools than the present adopted text or texts, then the Commission shall re-adopt such present adopted text or texts. If no text or texts on any prescribed subject or subjects are submitted by any particular publisher or publishers that meet the requirements of the schools, as may be determined by the Commission, then it shall be the duty of the chairman of the Commission to instruct the secretary of the Commission to investigate the book markets for the purpose of securing, with a view of providing at the most reasonable price or prices possible, the best available texts on any and all subjects that are to be adopted by the Commission for the schools of Texas.

DEAN.

#### Recess.

At 6 o'clock p. m. Senator Clark moved that the Senate recess until 8 o'clock tonight.

As a substitute, Senator McNealus moved to adjourn until 10 o'clock tomorrow morning.

The motion to adjourn was lost by the following vote:

Yeas—11.

Buchanan of Bell. Robbins.  
Dean. Smith.  
Henderson. Strickland.  
Johnson of Hall. Suiter.  
Johnston of Harris. Woodward.  
McNealus.

Nays—14.

Bailey. Harley.  
Bee. Hopkins.  
Buchanan of Scurry. Hudspeth.  
Caldwell. King.  
Clark. Page.  
Dayton. Parr.  
Gibson. Westbrook.

Present—Not Voting.

Floyd.

Absent—Excused.

Alderdice. Lattimore.  
Decherd. McCollum.  
Hall.

Action recurred upon the motion to recess and the same prevailed.

#### After Recess.

(Night Session.)

The Senate was called to order by President Pro Tem. Suiter.

#### Adjournment.

At 8:10 o'clock p. m. Senator McNealus moved that the Senate adjourn until 10 o'clock tomorrow morning.

The motion prevailed by the following vote:

Yeas—11.

Buchanan of Bell. Robbins.  
Dean. Strickland.  
Floyd. Suiter.  
Johnson of Hall. Westbrook.  
Johnston of Harris. Woodward.  
McNealus.

Nays—8.

Bailey. Dayton.  
Bee. Harley.  
Buchanan of Scurry. Henderson.  
Clark. Parr.

Absent.

Caldwell. King.  
Gibson. Page.  
Hopkins. Smith.  
Hudspeth.

Absent—Excused.

Alderdice. Lattimore.  
Decherd. McCollum.  
Hall.

#### APPENDIX.

##### Petitions and Memorials.

Senator Page offered a telegram from Smithville, Texas, stating one hundred and twenty-four trainmen were for the "Full Crew Bill."

The Brotherhood of Railroad Trainmen of Longview, Texas, ask support of the "Full Crew Bill" in a telegram to Senator Smith.

Senator Henderson offered letters from Texarkana, Texas, supporting the "Full Crew Bill."

Senators Smith and Floyd sent up petitions and telegrams opposing the "Full Crew Bill."

Senator McNealus sent up telegrams from Dallas opposing the Textbook Bill.

Senator Smith offered a memorial from the Henderson County school superintendent in opposition to the Bee Textbook Bill.

Senators Buchanan of Bell and Gibson offered petitions from their districts opposing the Sunday Amusement Bill.

Senator Henderson sent up a tele-

gram from Senators Sheppard and Culberson stating War Department is highly pleased with the Harley Military Bill.

A numerous signed petition from West Texas to Senator Buchanan of Scurry was offered, opposing the establishment of a new normal and agricultural and mechanical college.

Senator Bee offered a communication from the Gillespie County Farmers' Union in behalf of the extension department of A. & M. College.

#### Engrossing Committee Reports.

Committee Room,  
Austin, Texas, May 8, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 14 carefully compared, and finds the same correctly engrossed.

CALDWELL, Chairman.

Committee Room,  
Austin, Texas, May 8, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 23 carefully compared, and finds the same correctly engrossed.

WESTBROOK, Vice Chairman.

Committee Room,  
Austin, Texas, May 8, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 25 carefully compared, and finds the same correctly engrossed.

CALDWELL, Chairman.

Committee Room,  
Austin, Texas, May 8, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 18 carefully compared, and finds the same correctly engrossed.

WESTBROOK, Vice Chairman.

Committee Room,  
Austin, Texas, May 8, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 37

carefully compared, and finds the same correctly engrossed.

WESTBROOK, Vice Chairman.

Committee Room,  
Austin, Texas, May 8, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 32 carefully compared, and finds the same correctly engrossed.

CALDWELL, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, May 8, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Public Debt, Claims and Account, have carefully considered claims hereto attached and beg leave to report that we have approved same and hereby request that they be not printed in the Journal but be referred to the Finance Committee for such consideration as the committee may deem proper.

SUITER, Chairman.

(Floor Report.)

Senate Chamber,  
Austin, Texas, May 8, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 53, A bill to be entitled "An Act to amend Section 36 of House Bill No. 820, which was an Act creating a more efficient road system for Bowie County, Texas, passed at the Regular Session of the Thirty-fifth Legislature, so that the same shall provide that the members of the commissioners' court of Bowie County shall be ex officio road commissioners of their respective precincts, etc., and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate, with the



recommendation that it do pass, and be not printed.

Caldwell, Chairman; Smith, Clark, Floyd, Strickland, Buchanan of Scurry, Gibson.

(Floor Report.)

Senate Chamber,  
Austin, Texas, May 8, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 51, A bill to be entitled "An Act to amend Chapter 83 of the Acts of the Regular Session of the Thirty-second Legislature of Texas to create a more efficient road system for Nolan County, Texas, and making county commissioners ex officio road commissioners of their respective precincts, and prescribing their powers and duties as such and providing for the compensation of such road commissioners, etc., and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

Caldwell, Chairman; Buchanan of Scurry, Clark, Floyd, Smith, Strickland.

(Floor Report.)

Senate Chamber,  
Austin, Texas, May 8, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Education, to whom was referred

S. B. No. 52, A bill to be entitled "An Act creating the Annona Independent School District in Red River County, Texas, including the present existing Annona Independent School District and certain other territory in said county, defining its boundaries, etc., and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

Bee, Chairman; Buchanan of Scurry, Robbins, Smith, Johnson, Dayton, Gibson, Harley, Floyd.

(Floor Report.)

Senate Chamber,  
Austin, Texas, May 8, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 41, A bill to be entitled "An Act to amend Chapter 207 of the laws of the Thirty-fifth Legislature, Regular Session, pages 474 to 485, Published Laws of said session, regulating the operation of motor vehicles on the public highways in this State and approved by the Governor April 9, 1917, by adding thereto, after Section 44, Sections 45 and 46, providing in substance that all violations of the said Act for which specific penalties are not therein provided shall constitute a misdemeanor, and fixing the punishment therefor; and further, giving peace officers the right to arrest without warrant for offenses against said Act committed in their view or within their presence, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

Page, Chairman; Caldwell, Henderson, Dayton, Westbrook, Strickland, Sulter.

(Floor Report.)

Senate Chamber,  
Austin, Texas, May 8, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

S. B. No. 55, A bill to be entitled "An Act to amend an Act entitled 'An Act to create the Robstown Independent School District, known as Common School District No. 30, in Nueces County, Texas; to provide for the raising of revenue, issuing bonds, building and maintaining school houses, maintaining public free schools, declaring valid an issue of bonds heretofore made, declaring valid a maintenance tax heretofore voted, and declaring an emergency,'"

Have had the same under consideration, and beg leave to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

Bee, Chairman; Buchanan of Scurry, Bailey.